



OFFICE OF THE CORPORATION COUNSEL

BEN WALSH, MAYOR
September 24, 2018

Via Electronic Filing

Honorable Brenda K. Sannes
Federal Building and U.S. Courthouse
P.O. Box 7345
Syracuse, NY 13261-7345

**Re: Elijah Johnson v. City of Syracuse, et al.
Civil Action No.: 5:16-cv-0622**

Dear Judge Sannes:

I am in receipt of Mr. Lichtmacher's letter dated September 21, 2018 and am writing to briefly address the same. First, I would like to note that Defendants' request for an adjournment was not made lightly. While my clients are eager to resolve this matter, we also want to present the most complete defense possible, as we all take Plaintiff's allegations very seriously.

In order to do so, it is necessary to call various witnesses, including the witness who we just learned will not be available up to and through the time of trial. I did not reveal the witness's identity out of respect for that person's privacy. Further, I am not aware of any sworn testimony by this witness on a critical aspect of this case and I am not in a position to obtain a statement or affidavit to that effect. In other words, regardless of whether this witness has been deposed, the transcript would not be an adequate substitute for trial testimony.

Last, while it is true that the arrest giving rise to Plaintiff's complaint occurred in July, 2014, the complaint was filed not until June 1, 2016 and there have not been any extraordinary delays in the litigation process.

The Court's time and attention to this matter is greatly appreciated. Defendants would be amenable to a telephone conference on this issue if the Court believes it is necessary. In the meantime, please do not hesitate to contact the undersigned with any questions or concerns.

Respectfully submitted,

Christina F. DeJoseph, Esq.
Senior Assistant Corporation Counsel

CFD/
cc: Fred Lichtmacher, Esq.